

# SENATE BILL 749

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CF HB 1140

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By: **Senator Middleton**

Introduced and read first time: February 3, 2012

Assigned to: Finance and Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Physicians – Sharing of Information with Maryland Health Care**  
3 **Commission**

4 FOR the purpose of adding the Maryland Health Care Commission to the list of  
5 entities to which the Health Services Cost Review Commission may disclose  
6 certain physician information; requiring the State Board of Physicians to  
7 disclose information contained in a record to the Maryland Health Care  
8 Commission for a certain purpose; adding the Maryland Health Care  
9 Commission to the list of entities that must adopt regulations for a certain  
10 transfer of information in a record; altering the date by which the regulations  
11 must be adopted; and generally relating to sharing information about  
12 physicians with the Maryland Health Care Commission for the purpose of  
13 identifying practice patterns and investigating quality or utilization of care in  
14 certain regulated entities.

15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 19–218  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Health Occupations  
22 Section 14–411(a) and (b)  
23 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2009 Replacement Volume and 2011 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Health Occupations  
4 Section 14–411(d) and (e)  
5 Annotated Code of Maryland  
6 (2009 Replacement Volume and 2011 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Health – General**

10 19–218.

11 (a) The Commission shall require each facility to give the Commission  
12 information that:

13 (1) Concerns the total financial needs of the facility;

14 (2) Concerns its current and expected resources to meet its total  
15 financial needs;

16 (3) Includes the effect of any proposal made, under Subtitle 1 of this  
17 title, on comprehensive health planning; and

18 (4) Includes physician information sufficient to identify practice  
19 patterns of individual physicians across all facilities.

20 (b) The identities of individual physicians are confidential and are not  
21 discoverable or admissible in evidence in a civil or criminal proceeding, and may only  
22 be disclosed to the following:

23 (1) The utilization review committee of a Maryland hospital;

24 (2) The Medical and Chirurgical Faculty of the State of Maryland;

25 (3) The State Board of Physicians;

26 (4) The Office of Health Care Quality in the Department; [or]

27 **(5) THE MARYLAND HEALTH CARE COMMISSION; OR**

28 **[(5)] (6)** An investigatory body under the State or federal  
29 government.

30 **Article – Health Occupations**

1 14-411.

2 (a) In this section, "record" means the proceedings, records, or files of the  
3 Board.

4 (b) Except as otherwise expressly provided in this section and § 14-411.1 of  
5 this subtitle, the Board or any of its investigatory bodies may not disclose any  
6 information contained in a record.

7 (d) The Board shall disclose any information contained in a record to:

8 (1) A committee of a hospital, health maintenance organization, or  
9 related institution if:

10 (i) The committee of a medical hospital staff concerned with  
11 physician discipline or other committee of a hospital, health maintenance  
12 organization, or related institution requests the information in writing;

13 (ii) The Board has issued an order as to a licensed physician on  
14 whom the information is requested; and

15 (iii) The Board determines that the information requested is  
16 necessary for an investigation or action of the committee as to a medical privilege of a  
17 licensed physician; or

18 (2) The Secretary, the Office of Health Care Quality in the  
19 Department, **THE MARYLAND HEALTH CARE COMMISSION**, or the Health Services  
20 Cost Review Commission for the purpose of investigating quality or utilization of care  
21 in any entity regulated by the Office of Health Care Quality or the Health Services  
22 Cost Review Commission.

23 (e) On or before January 1, [2012] **2013**, the Board, the Secretary, **THE**  
24 **MARYLAND HEALTH CARE COMMISSION**, and the Health Services Cost Review  
25 Commission jointly shall adopt regulations for the efficient and secure transfer, under  
26 subsection (d)(2) of this section, of any information in a record that may indicate that  
27 an investigation of an entity regulated by the Office of Health Care Quality, **THE**  
28 **MARYLAND HEALTH CARE COMMISSION**, or the Health Services Cost Review  
29 Commission may be appropriate.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2012.